

THE NATION

Ray seeks more tests on his rifle

King's convicted killer still pursues new trial

By Richard Willing
USA TODAY

Lawyers for James Earl Ray will ask a Memphis judge today to order more tests to determine whether a rifle he owned was used to kill the Rev. Martin Luther King Jr. in 1968.

Tests completed in May using new subatomic ballistics techniques were inconclusive. A glitch in the testing may have caused the result, says William

Pepper, Ray's lead attorney.

Ray's lawyers also will argue that the state of Tennessee should pay for further testing. Ray's defense has borne the cost so far. Lawyers for the state say they will oppose both motions.

Ray is serving a 99-year sentence for killing the civil rights



Ray: Wants state to pay for testing

leader. If Memphis Judge Joe Brown turns down either motion, it could effectively end Ray's hope of winning a new trial based on gun evidence.

Ray "would have to find a new rabbit to pull out of the hat," says David Garrow, King's biographer and a critic of Ray's push for a new trial.

Ray, 69, pleaded guilty to the 1968 murder of the civil rights leader, then recanted. He admits owning the .30-caliber

Remington hunting rifle that investigators say was used to kill King. He denies firing the fatal shot.

In court papers and in a 1995 book, Pepper argues that the rifle was planted at the scene to implicate his client. The real assassins, he says, were contract killers working with U.S. military intelligence.

King's widow, Coretta Scott King, and his four grown children support Ray's effort to win a new trial. King's son Dexter, 37, has said he agrees that his father's murder was part of a government plot.

Ray's rifle had been test-

fired by investigators twice before, in 1968 and 1978. The results then were inconclusive also. The round that killed King is deteriorated, investigators say, and thus difficult to match during ballistics tests.

Ray's bid for a new trial has attracted additional attention since he suffers from potentially fatal liver disease.

That apparently persuaded the Kings to depart from their long-standing practice of not commenting on the killing. The Kings fear that unless he is granted a new trial, any secrets that Ray knows will die with him.